



DEPARTMENT OF THE INTERIOR
U.S. FISH & WILDLIFE SERVICE
Endangered Species Permit Office
5275 Leesburg Pike
MS:ES
Falls Church, VA 22041-3803

FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

TOWN OF ORLEANS
dba TOWN OF ORLEANS
19 SCHOOL ROAD
ORLEANS, MA 02653
U.S.A.

2. AUTHORITY-STATUTES
16 USC 1533(d)
16 USC 703-712

REGULATIONS
50 CFR 17.32
50 CFR 21.23
50 CFR 21.27
50 CFR 13

3. NUMBER
TE63610B-0

4. RENEWABLE
☒ YES
☐ NO

5. MAY COPY
☒ YES
☐ NO

6. EFFECTIVE
04/16/2015

7. EXPIRES
04/30/2018

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)

JOHN F KELLY
TOWN ADMINISTRATOR

9. TYPE OF PERMIT

NATIVE THREATENED SP. HABITAT CONSERVATION PLAN - T
WILDLIFE; MIGRATORY BIRDS

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

MASSACHUSETTS

11. CONDITIONS AND AUTHORIZATIONS:

A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.

B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL, TRIBAL, OR OTHER FEDERAL LAW.

C. VALID FOR USE BY PERMITTEE NAMED ABOVE.

D. The authorization granted by this permit is subject to full compliance with and implementation of the following documents: (1) the Town of Orleans Over-Sand Vehicle Access Habitat Conservation Plan (HCP) and all associated appendices and documents relating to implementation of the plan and monitoring and reporting requirements; and (2) the Incidental Take Statement of the USFWS's Biological Opinion (BO) dated April 10, 2015

E. The permittee is authorized to take up to 12 federally threatened piping plovers (*Charadrius melodus*) as a result of mortality, during late season over-sand vehicle use on covered lands as described in the HCP and as conditioned herein.

F. Unless the permit is amended, suspended, revoked, or terminated, the permit duration shall be 3 years.

G. The general provisions contained in 50 CFR part 13, subpart D, and specific provisions of 50 CFR section 17.32 are hereby incorporated as conditions of this permit. The continued validity and the renewal of this permit are subject to the permittee's complete and timely compliance with all permit conditions.

H. By accepting this permit, the permittee acknowledges that it understands and agrees to abide by all of the terms of the permit and all sections of 50 CFR parts 13 and 17, pertinent to issuance of incidental take permits.

I. The permittee shall conduct annual monitoring as described in the HCP (section IX and XII) throughout the permit term to ensure compliance with HCP measures and permit conditions, evaluate effectiveness of avoidance and minimization strategies, and track compliance with authorized levels of take. Annual reports shall be submitted by December 31 of each year.

J. The permittee shall deposit \$10,000 into the escrow account by July 15 in each of the 3 years of permit implementation, unless the permittee is able to effectively implement onsite predator control at Nauset Beach as described in the HCP (section XI and appendix 27).

☒ ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

ANNUAL REPORT DUE: 12/31. Send reports to the Service's New England Field Office (see permit condition M).

ISSUED BY

Paul R. Pfy

TITLE

ASSISTANT REGIONAL DIRECTOR - ES

DATE

04/16/2015

K. The permittee shall prepare and submit a detailed annual mitigation work plan to the USFWS by February 1 each year in 2016 and 2017.

L. The permittee shall comply with the changed circumstances provisions of the HCP (section XIII).

M. For the purposes of monitoring compliance, reporting, and administration of the terms and conditions of this permit, except where otherwise specified in the HCP, the contact office for the USFWS shall be: New England Field Office, 70 Commercial Street, Suite 300, Concord, NH 03301, telephone 603-223-2541. The permittee shall refer to permit number TE63610B in all correspondence and reports concerning permit activities.

N. The permittee shall annually provide a letter to the USFWS verifying that the HCP operating budget was approved at the Orleans town meeting no later than June 1 of each year (HCP section XV).

O. The permittee shall notify the USFWS New England Field Office (see contact information above) and the USFWS Office of Law Enforcement, 70 Everett Avenue, Suite 315, Chelsea MA 02150, telephone 617-889-6616 within 24 hours of suspected identification of any injured or dead endangered/threatened species. All endangered/threatened species carcasses shall be transferred to the USFWS.

P. The permittee shall allow USFWS employees, personnel, its agents, or contractors to enter the permit area at any reasonable time (with advanced notice and subject to the permittee's operations and safety restrictions) for the general purposes specified in 50 CFR 13.21(e)(2) or to carry out work, effectiveness monitoring, or compliance monitoring consistent with the HCP throughout the term of the permit. Nothing within this condition precludes or limits USFWS law enforcement-related actions pertaining to this permit or in accordance with applicable Federal and State laws and procedures.